

unemancipated minor as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

(3) "Notice" means a written notification, signed by a physician or his or her agent and addressed to a parent, informing the parent that the unemancipated minor is pregnant and that she has requested an abortion.

(4) "Parent" means the parent with primary custody, care and control of the unemancipated minor, or a parent with joint custody, care and control; or if there is no parent with primary custody, care and control, or if there is no parent with joint custody, care and control, then the legal guardian of the unemancipated minor.

(5) "Unemancipated minor" means a female under the age of 18 years who is unmarried and is not currently serving active duty in one of the military services of the United States of America, or a female for whom a guardian has been appointed because of a finding of incompetency, or a female who has not been declared emancipated pursuant to state law. For the purposes of this section, pregnancy does not emancipate a female under the age of 18 years.

(b) Notwithstanding any other provision of law to the contrary and except as provided in subdivision (e), an abortion shall not be performed upon a pregnant unemancipated minor until written notice has been delivered pursuant to subdivision (c), or at least 48 hours after written notice has been delivered pursuant to subdivision (d), or until the physician has received a copy of a waiver of notification from the court as provided in subdivision (g) of this section. The physician shall inform the unemancipated minor that her parent may receive notice as provided for in this section.

(c) The notice shall be delivered to the parent personally by the physician or his or her agent.

(d) In lieu of the personal delivery required in subsection (c) of this section, notice may be made by certified mail addressed to the parent at the parent's last known address with return receipt requested and restricted delivery to the addressee, which means a postal employee may only deliver the mail to the authorized addressee. The 48 hour period for notice sent under the provisions of this subsection shall begin at noon on the next day on which regular mail delivery takes place following the day on which the mailings are posted.

(e) Notice of a pending abortion shall not be required under this act if the attending physician certifies in the unemancipated minor's medical records that the abortion is necessary due to a medical emergency.

(f) If the pregnant minor elects not to permit notification of one or both of her parents or legal guardian, she may file a petition with the juvenile court. If, pursuant to this subdivision, a minor seeks to file a petition, the court shall assist the minor or person designated by the minor in preparing the petition and notices required pursuant to this section. The petition shall set forth with specificity the minor's reasons for the request. The court shall ensure that the minor's identity be kept confidential and that all court proceedings be sealed. The minor may file the petition using only her initials or a pseudonym. No filing fee shall be required for filing a petition. An unemancipated pregnant minor shall appear personally in the proceedings in juvenile court, and may appear on her own behalf or with counsel of her own choosing. The court shall, however, advise her that she has a right to court-appointed counsel upon request. The court may appoint a guardian ad litem for her. The hearing shall be held within 48 hours of the filing of the petition, unless extended at the written request of the minor, her guardian ad litem, or her counsel. A notice shall be given to the minor of the date, time and place of the hearing on the petition. Judgment shall be entered within one court day of submission of the matter. The judge shall order a record of the evidence to be maintained, including the judge's written factual findings and legal conclusions supporting the decision. If the judge fails to rule within the statutory time period and no extension was requested and granted, the petition shall be deemed granted and the notice requirement shall be waived. The Judicial Council shall prescribe, by rule, the practice and procedure for such petitions, hearings and entry of judgment as it deems necessary and may prescribe forms for such proceedings, and each court shall provide annually to the Judicial Council, in a manner to be prescribed by the Judicial Council to insure confidentiality of the minors filing petitions, a report, by judge, of the number of petitions filed, the number of petitions granted, the number of petitions denied, and the number of petitions that were deemed granted as the result of the judge's failure to rule within the time period specified by this subdivision, said reports to be publicly available unless the Judicial Council determines that the data contained in individual reports should be aggregated by court or by county before being made available to the public in order to preserve the confidentiality of the minors filing petitions.

(g) (1) If the judge finds, by clear and convincing evidence, that the unemancipated minor is sufficiently mature and capable of giving informed consent to decide whether to have an abortion, the judge shall authorize a waiver of notification.

(2) If the judge finds, by clear and convincing evidence, that there is evidence of physical, sexual, or emotional abuse of the minor by the parent or legal guardian, the judge shall authorize a waiver of notification. Notice of a determination made under this paragraph shall be made to the appropriate county child protective agency.

(3) If the judge finds, by clear and convincing evidence, that the minor is not sufficiently mature, and notification of the parent is not in the best interests of the minor, the judge shall authorize a waiver of notification.

(h) If the judge does not make a finding specified in subdivision (g) of this section, the judge shall dismiss the petition or motion and order the physician to provide notice pursuant to subdivision (b).

(i) The minor may appeal the judgment of the juvenile court by filing a written notice of appeal at any time after the entry of judgment. The Judicial Council shall prescribe, by rule, the practice and procedure on appeal and the time and manner in which any record on appeal shall be prepared and filed and may prescribe forms for such proceedings. These procedures shall require that the notice of the date, time and place of hearing, which shall be held within three court days of filing the notice of appeal, shall be mailed to the parties by the clerk of the court. The appellate court shall ensure that the minor's identity be kept confidential and that all court proceedings be sealed. The minor may file the notice of appeal using only her initials or a pseudonym. No filing fee shall be required for filing a notice of appeal. Judgment on appeal shall be entered within one court day of submission of the matter.

(j) Any person who performs an abortion in violation of this section shall be subject to a civil penalty of not less than \$1,000 and not more than \$5,000. He or she may also be liable for damages and attorney's fees in a civil action brought by a parent wrongfully denied notification. Nothing in this Act shall be construed to limit the common law rights of parents. A person shall not be liable under this act if the person establishes by written evidence that the person relied upon evidence sufficient to convince a careful and prudent person that the representations of the unemancipated minor regarding information necessary to comply with this section are bona fide and true, or if the person has attempted with reasonable diligence to deliver notice, but has been unable to do so.

SECTION 4. Severability

If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the sections which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.